

REMARKS

Applicants thank Examiner Gutman for the courtesies extended to the undersigned during an Interview held on December 21, 2004. In the Office Action mailed November 16, 2004, the Examiner rejected claims 22-24, 29, 30, 32-34, 39, 40 and 42-44 and withdrew claims 25-28 and 31 from consideration. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 22, 26, 32, 42, 48 and 50 and canceled claims 25 and 49. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Drawings

The Office Action objected to the drawings suggesting that the drawings do not show the carrier of claims 48-50. In response, Applicants have canceled claim 49 and amended claims 48 and 50 to refer to the "skeleton member" rather than the "carrier". As such, each of the features of these claims is shown in the drawings.

II. Double Patenting

The Office Action rejected claims 42, 43 and 44 for double patenting suggesting that Claims 42, 43, and 44 were substantial duplicates of claims 33, 34 and 40. While Applicants do not comment on the propriety of the rejection, Applicants believe that the current amendments to claims 22, 32 and 42 remedy any potential issues with respect to double patenting.

III. Claim Rejections 35 USC 112

The Office Action rejected claims 48 – 50 under 35 USC 112 as lacking antecedent basis for the term "carrier". In response, Applicants have canceled claim 49 and amended claims 48 and 50 to refer to the "skeleton member" rather than the "carrier". Applicants believe that the cancellation and amendments remedy the lack of antecedent basis.

IV. Claim Rejection under 35 USC 102 and 103

The Office Action rejected claims 22-24, 29, 30, 32-34, 39, 40 and 42-44 under 35 USC 102 and/or 103 as anticipated by or obvious in view of one or more of the following references: JP 10-53156 (JP '156); JP 10-71628 (JP '628); US 6,058,673 (Wycech); US 6,092,864 (Wycech); and US 6,267,436 (Takahara).

During the Interview of December 21, 2004, Applicants explained how the reinforcement of the present application is particularly suitable for use in a roof rail or for use in a roof rail adjoining an A-pillar. Applicants further discussed potential amendments to the claims for focusing the claims upon features making the reinforcement suitable for use in a roof rail. Subsequently, Applicants submitted a Sample Amendment reflecting these amendments. After Examiner review of a Sample Amendment submitted by Applicants, it was agreed that the above amended claims were patentable over the cited references. Thus, Applicants submit the above amended claims and, believing that those claims are patentable, request allowance of the claims.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there

is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

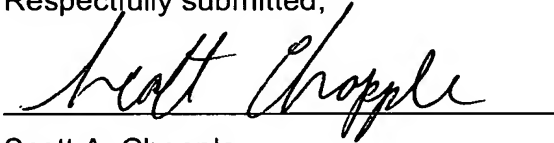
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: 29 December, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott A. Chapple", is written over a horizontal line.

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